

Resolving the Kashmir Conflict: Pakistan, India, Kashmiris and Religious Militants

Rodrigo Tavares

This article introduces a conflict resolution framework to address the Kashmir¹ conflict. Firstly, Kashmir is mapped out as a multi-dimensional dispute between various parties: besides the interstate dispute between India and Pakistan, Kashmir is also an armed conflict both between India and the Kashmiris over the right of self-determination and between India and the religious militants who are waging a jihad to create a theocratic state. Secondly, in order to understand the complexity of Kashmir, I introduce an original framework based upon six levels of sovereignty that helps us in underscoring the implications of the bargaining process between India, Pakistan and Kashmir. Based on this, I propose a roadmap for peace, which comprises three successive steps: confidence-building measures, restoration of the asymmetric original status of Jammu and Kashmir and, finally, shared sovereignty (partial or total condominium) between India and Pakistan.

Keywords: Kashmir; Sovereignty; Conflict Resolution

Introduction

The world map of armed conflicts is punctuated by major transformations over the last 50 years. Indeed, quantitative surveys reveal that the global trend in armed conflicts has continued to decrease in the post–Cold War period. In 2007, there were no interstate conflicts (similar to 2006), and the number of intrastate conflicts (29) was one of the lowest since 1989 (Harbom, Melander and Wallensteen, 2008). Despite this global transformation, the dispute over Kashmir has remained immune to international change, and even though India and Pakistan have been involved in

Rodrigo Tavares, PhD, is a Research Fellow at United Nations University, Belgium, and at the School of Global Studies, Gothenburg University, Sweden. Correspondence to: Rodrigo Tavares, United Nations University (UNU-CRIS), C/o Grootseminarie, Potterierei 72, 2nd floor, 8000 Bruges, Belgium. Email: rodrigo.tavares@globalstudies.gu.se

peace talks since 2003, the number of battle-related deaths in Kashmir is still significant (549 in 2007).²

The literature on Kashmir is fairly extensive but consists principally of descriptive studies, which underscore the main arguments at stake and highlight the mechanisms of the conflict.³ Yet, since the militant insurgency emerged in the Valley in late 1980s, and the nuclear arsenals of India and Pakistan were tested in May 1998, the dispute gained an international relevance that sparked a flurry of different peace proposals, coming mainly from Western military strategists, Kashmiri Diaspora members, peace researchers and political scientists (listed below). So far, however, the academic literature has shied away from presenting fresh conflict-resolution methodologies and has confined itself to describing existing proposals. This article is a step away from this trend.

The originality of this roadmap comes from two interrelated aspects. Firstly, it analyses the conflict using a framework predicated upon six levels of sovereignty. Secondly, it introduces a comparative dimension by assessing other cases where the issues of autonomy, ethnic distinctness and political bargain were under heated discussion as, for example, the Åland Islands, Kosovo, the New Hebrides, Gibraltar, Andorra, Tyrol, New Caledonia, the Free Territory of Trieste, Northern/Republic of Ireland, Sudan, the Samis in Nordic Europe and the Western Sahara. None of these examples mirrors the Kashmir case in its full extension. Yet, some conflict mitigation strategies adopted in those cases herald important lessons for Kashmir.

For any roadmap to be compelling, the Kashmir conflict has to be regarded as multidimensional as it includes a wide range of parties and it encompasses distinct manifestations of violence and struggle. In fact, the four major players in the conflict (India, Pakistan, religious militants and Kashmiris) can be broken down to a larger variety of equally important players. India comprises both the government and conservative political forces (e.g. *Rashtriya Swayamsevak Sangh* or factions in the *Bharatiya Janata Party*). Pakistan, on the other hand, could hardly be described as a uniform actor as the positions of the government, the Inter-Services Intelligence (ISI) and the Army, and of conservative political forces tend to diverge often. Moreover, even if the agenda of religious militants is fairly coherent, Kashmiris themselves are divided. Risking generalization, they may be grouped in pro-India groups (National Conference and Kashmiris outside the Valley), political militants and separatists (hardcore and moderate). And what are the different manifestations of the dispute?

The first dimension deals with the bilateral opposition between India and Pakistan. Starting in 1947, the dispute was technically considered an 'intermediate armed conflict over territory' causing an estimate 13,500 battle-related deaths since 1971 and roughly 240 in 2003 (until the declaration of cease fire on 26 November 2003).⁴ Since 2003, the magnitude of conflict has scaled down, which laid the ground for the ongoing peace process.

The second dimension pertains to the 'minor armed conflict' between India and the insurgents operating in Jammu and Kashmir (JK), which has caused over 29,351 battle related deaths since 1989 and approximately 549 in 2007⁵. This struggle has two

different facets. Militant insurgency was originally indigenously generated and indigenously supported.⁶ Early militant organizations as the Jammu and Kashmir Liberation Front (JKLF), the People's League, the '*Haji*' group, *Al Barq*, *Al Fateh*, *Hizb-ul Mujahedin* and the *Al Jihad* were composed of discontented Kashmiris who resorted to guerrilla struggle to contest Indian rule in JK⁷ and the increasing erosion of the special status JK held since 1947 (Bose, 2003: 45; Schofield, 2003: 146; Behera, 2006: 146). Pakistan supplied military and political support,⁸ deducing that the *jihadi* movement would be a powerful, low-cost and strategic instrument against a larger adversary. As noted by Mirwaiz Umer Farooq (2004), one of the leaders of the separatist organization All Parties Hurriyat Conference (APHC): 'After 57 years of forced alliance with India, the people are unsatisfied and resentful. Since 1987 the Kashmiris lost faith in the democratic structures and had to resort to the power of guns to fight for the "cause" of self-determination'.

Yet, since the mid-1990s, the militant insurgency gained a different configuration. Firstly, the restoration of democratic governance in JK (Farooq Abdullah election in 1996) helped reduce dissatisfaction within the people of the state and consequently popular support for the insurgency in the valley. Secondly, recurrently accused of atrocities, drug dealing, corruption, forced recruitment and other human rights abuses, the support that Kashmiris give to militancy has decreased (although it is still present) (Behera, 2006: 162).⁹ Thirdly, in association with the previous point, the increasing availability of foreign militants, indoctrinated in Islamic orthodoxy, modified the original Kashmir self-determination cause and forced a split between the religious agenda of foreign militants and the native political agenda of Kashmiris. Presently, the voices of the Kashmir people are currently represented more emphatically through political separatism than through armed militancy.

The third dimension concerns, thus, the armed conflict between India and foreign religious militants, operating in Kashmir since the mid-1990s to wage a *jihad* for the establishment of a rigid theocracy. The foreign militancy in the valley is distinct from the original native militancy in terms of equipment used and in warfare guerrilla tactics. Kashmir became, hence, an archetype of the so-called 'new wars' (Kaldor, 1999; McIness, 2003; Shultz and Dew, 2006). These foreign militants driven to Kashmir by the end of the Soviet-Afghanistan War, trained in Afghanistan or Pakistan and indoctrinated by extremist *madrassas* mostly in Pakistan, come from different Muslim countries (Schofield, 2003: 178; Behera, 2006: 155) and are incorporated into organized militant groups with the support of Pakistan's Inter-Services Intelligence (Ataöv, 2001: 41; Cohen, 2005: 194). The support Kashmiris give to foreign militants' interventions is somewhat ambiguous. If on the one hand they tend to support their violent resistance to Indian rule, on the other hand they are wary of tagging Kashmir as a religious struggle.

Although this architecture based in three pillars serves as an effective descriptive tool, the article does not claim that there is no overlapping between these distinct dimensions. As an illustration, Pakistan, although caught by surprise by the 1989 uprising, promptly supported logistically and militarily the Kashmiri militant

insurgency (first Kashmiri and later from foreign origin). In parallel, presently some militant groups still have indigenous Kashmiri support, such as the *Hizb-ul Mujahedin*, and organizations within the Hurriyat (APHC), such as the *Jamaat-e-Islami* and the *Tehreek-e-Hurriyat Jammu and Kashmir* of Syed Ali Shah Geelani (2004), have overtly termed the Kashmir problem as a religious dispute and supported terrorist violence perpetrated by foreign mercenaries, 'because when a nation is being oppressed it has the right of counting on the help of the human community'.

This article comprises two parts: Firstly, a framework for analysis based on six levels of sovereignty is introduced in order to systematize the core claims of the different parties and to set the context for the roadmap for peace. Secondly, the article underlines the implications to the conflict itself and to the four parties involved if a transition across levels of sovereignty is to happen along the lines proposed in the roadmap.

Levels of Sovereignty

At its marrow, Kashmir is neither a territorial nor a religious dispute. It is about sovereignty. In order to grasp the nuances and the complexity of this dispute, I will introduce, thereby, a framework based on six levels of sovereignty: independent state, state with shared-sovereignty status, asymmetric federalism, symmetric federalism or asymmetric region under a non-federal state, non-autonomous micro-region, and micro-region under centralized administration (Figure 1). Micro-region is defined as a political construction under the state level of analysis that has a legal, political, economic or cultural singularity.

Independent State

By definition a state is a legally independent territory through which people decided to establish political mechanisms to articulate their demands. A state is independent when its sovereignty is recognized and codified legally at the supranational and domestic levels. The sovereignty of an independent state is, therefore, composed of: international legal sovereignty (juridical independence and international recognition), Westphalian sovereignty (right of non-intervention) and domestic sovereignty (adequacy of institutions that govern a state) (Krasner, 2004b). There are currently 192 independent states represented in the United Nations General Assembly. Others do exist *de facto* but have not been recognized globally (e.g., Kosovo).

State with Shared-Sovereignty Status

This disposition comes about either when the sovereignty of a certain polity is divided and distributed between two or more independent states (creating 'national

zones') or, alternatively, when at least two independent states participate simultaneously and equally in the governance of a third political unit. This latter sub-unit is conventionally designated a 'condominium'. A condominium may imply a *partial* or a *total* relinquishment of national sovereignty to external entities. The former case involves the engagement of external actors only in some of the domestic authority structures of the target state for an indefinite period of time, whereas in the latter, foreign entities participate in all aspects of political governance. Despite the sensitivity of the issue and the apparent difficulty associated with its implementation, there have been examples of shared sovereignty (Table 1).

The issue of shared sovereignty has also emerged in the political conflict between Spain and the United Kingdom over Gibraltar and in Northern Ireland. In the latter case, the 1998 Belfast Agreement (also known as the Good Friday Agreement), established a power-sharing devolved assembly (composed of the main parties in proportion to their strength in the Northern Irish Legislative Assembly) (Institute of Regional Studies, 2004).

Asymmetric Federalism

Federations may operate under an asymmetric division of power between the central government and the federal states. In order to accommodate the ethnic distinctness of a certain community, a regional state—under the federal state—may enjoy a distinct legal framework vis-à-vis other regional states. While this flexibility is important, in certain cases there is a danger that the complexity of the arrangement may lead to a lack of internal cohesion and difficulties of governance. In Canada, Quebec is an asymmetric state under the Canadian federation: so are Navarre, Catalonia and the Basque Country in the Spanish context. This was also the case of JK under India until 1975 (see below).

Symmetric Federalism or Asymmetric Region under a Non-federal State

Examples of this level of sovereignty are symmetric states under a federal structure (for instance, the state of Carinthia in Austria or California in the United States) and autonomous regions under non-federal states (as Madeira and Azores, in the case of Portugal; or Friuli-Venezia Giulia, Sardinia, Sicily, Trentino-South Tyrol and Aosta Valley, in the case of Italy). The mechanisms of the distribution of power between these two political centres vary according to the constitutional composition of both the national state and the regional state. Conventionally, regions possess democratically elected councils or assemblies, which in turn choose a government accountable to the electorate through them. From the identity/cultural point of view four different possibilities mark the bargaining process between the national state and the region. We may find (1) successful accommodation based on integral national identity, as in the United States or in Germany; (2) successful accommodation based on cultural national heterogeneity as illustrated by the Åland Islands; (3) unsuccessful

Table 1 Examples of Shared Sovereignty

Type of shared sovereignty	Country or territory	Sovereignty holders	Period
Division in national zones (Some examples)	Trieste	UK/USA (later Italy) Yugoslavia	1947–1975
	Germany	USA, France, UK Soviet Union	1945–1990
Partial condominiums (Some examples from Krasner, 2004a)	Hong Kong (courts)	Commonwealth judges	1997 (ongoing)
	Sierra Leone (Special Court)	UN	1996 (ongoing)
	Cameroon and Chad (oil resources)	World Bank	1998 (ongoing)
Total condominiums	Sudan	UK Egypt	1899–1956
	Isla de los Faisanes (in Spanish) or Île de l'hôpital (in French)	Spain (Irun) France (Hendaya)	1856 (ongoing)
	Lake Constance	Switzerland Austria Germany	Ongoing
	Canton and Enderbury Islands	UK USA	1939–1979
	New Hebrides (Vanuatu)	UK France	1906–1980
	Cyprus	Byzantine emperor Arab caliph	688–965
	Oregon Territory	UK USA	1818–1846
	Andorra	France (initially count of Foix) Spain (bishop of La Seu d'Urgell)	1278 (ongoing)

accommodation based on a common national identity; and finally, (4) unsuccessful accommodation based on a distinct cultural tradition, as in Kosovo.

Non-autonomous Micro-Region under a State

This is the most common outcome of the internal distribution of power within an independent state. At this level, regions have no endogenous capacity to conduct or supervise judicial, executive and legislative power by themselves. They are the outcome of the administrative divisions of a country and hold only residual power.

Micro-Region under Centralized Administration

At this level of sovereignty, epitomized by authoritarian or strongly centralized states, the micro-regional political infrastructures are controlled by the central government, and municipal officials are generally appointed or nominated. The Basques under the authoritarian rule of Francisco Franco or Chechnya under Stalin are vivid examples of how a heavy centralized mechanism of power may try to disarticulate the endogenous demands of micro-regional communities. At this level micro-regions have no endemic mechanisms of power and self-rule.

This framework of analysis is the bedrock of the roadmap. Any peace process must involve a series of steps. It is impossible to agree on a quick package deal that takes care of all differences at once. But, on the other hand, a leisurely approach to peace, spread over several years and with no clear idea of the end goal, is not effective either (Koithara, 2004). Instead, a roadmap approach with reciprocal commitments and a joint understanding of the end game has a much higher chance of success.

The Roadmap for Peace

Since the conflict broke out several peace proposals for Kashmir have come on the table. Examples of these include: the Chenab Formula¹⁰ (Kashmir divided along the line of the River Chenab); the creation of a free economic trade area (as suggested by JK People's Democratic Party President Mehbooba Mufti,¹¹ former JK chief minister Mufti Sayeed,¹² and somewhat similarly by Sajad Lone of the Jammu and Kashmir People's Conference [JKPC]¹³); the transformation of Kashmir into a buffer state; a region-by-region plebiscite (suggested first by Owen Dixon, UN-appointed mediator in 1950); the establishment of a UN trusteeship; the ethnic-religious division of JK in eight administrative units, along the lines proposed by the Regional Autonomy Committee (1999); the Livingston Proposal, put forward in 1998 by the Kashmir Study Group (last version in February 2005); or the creation of a confederation, as proposed in 1964 by Nehru and Sheikh Abdullah to Ayub Khan, former president of

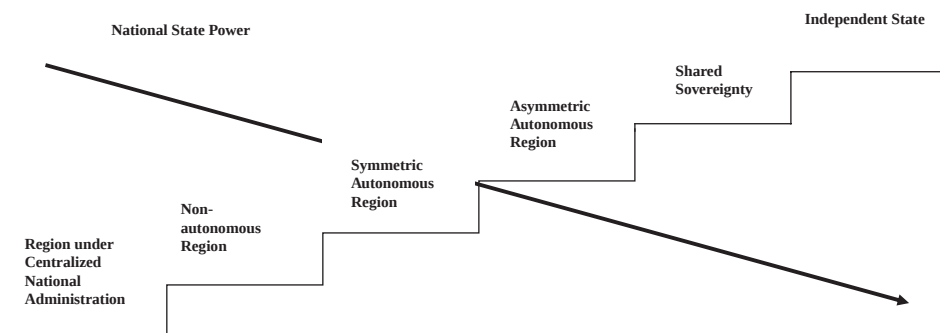


Figure 1 Levels of Regional Sovereignty in Relation to National State Power

Pakistan. Some of these proposals will be discussed as the presentation of the roadmap unfolds.

An underlying argument of this roadmap is that the resolution of the Kashmir conflict presupposes difficult compromises and adjustments in political agendas. The stances of the various actors involved in the dispute are so antagonistic that a successful roadmap is not about chimerical solutions that purport to accommodate integrally all the official claims, but about demonstrating to the main actors that their particular interests would be better achieved if they adopt solutions that may run against their official positions. Indeed, *interests* are different from *positions* (Lax and Sebenius, 1986: 68). With innovative political arrangements and a commitment to accommodation, it is possible to bypass the notion, born in nineteenth-century Europe, that nationhood, self-determination and statehood are indissoluble. The roadmap for peace of this article is composed of three steps: confidence-building measures, the restoration of asymmetric federalism and the establishment of a state with shared-sovereignty status. We will focus the attention primarily on the latter two, the nucleus of the roadmap.

Step 1: Confidence-Building Measures (CBMs)

In conventional usage, confidence-building measures are gestures of goodwill made by one party to another, usually prior to engaging in substantive negotiations, for the purpose of gaining the trust of that party. In the literature, much of the discussion of goodwill gestures assumes the context of a traditional negotiation with no third party. In this context, the parties themselves control the exchange of gestures (Pruitt and Carnevale, 1993: 147; Landau and Landau, 1997).

Since former Indian Prime Minister Vajpayee announced a 'healing touch' in his visit to Srinagar in April 2003, several CBMs have been put in practice by India and Pakistan: diplomatic relations were restored, bus and air links were reinstated, a ceasefire along the LoC was declared, Pakistan conceded on the plebiscite in Kashmir, tourist visas were facilitated, hundreds of prisoners exchanged, and at the 14th South Asian Association for Regional Cooperation (SAARC) Summit in New Delhi (2007), both countries pledged to take the negotiation process to a new level.

Nonetheless, despite the relevance of these original efforts, more CBMs should be implemented in order to buffer the impact of certain difficult political choices that ought to be taken. The list of hypothetical CBMs is certainly inexhaustible, and this article does not aim to provide an extensive list. But some CBMs are indeed likely to impact on the level of trust amongst the various actors. For instance, India and Pakistan could declare Siachen a demilitarized area, in order to mitigate the ecological tragedy and subdue the high costs of military presence. They could establish a 'Siachen Peace Park', following the success of other peace parks in conflict regions. In addition, India could allow the international community to observe state elections and provide more room for human-rights organizations such as Amnesty International or Human Rights Watch to monitor alleged human rights abuses. India

could also ratify the *First Optional Protocol to the International Covenant on Civil and Political Rights* and the *Convention Against Torture*, and it could subject the *Prevention of Terrorism Act*, the *Jammu and Kashmir Public Security Act* and all other anti-terror laws to annual parliamentary review. Moreover, India should also revoke the 'Jammu and Kashmir Disturbed Areas Act' and disband the Special Task Force, the *Ikhwan al-Muslimoon* militia and other unofficial paramilitary groups, and end the practice of giving their members *de facto* immunity. Pakistani leaders, on the other hand, could take bolder steps to crack down on terrorist groups operating in Kashmir. This would likely score sympathy not only in New Delhi but also in Srinagar. Indeed, the militancy in the valley and the oppressive strategies used by religious militants are alienating the Kashmiris from Pakistan and reinforcing the aspiration for independence.¹⁴

What is the effect of Step 1 in the multiple dimensions of the conflict? CBMs provide a way to avoid misunderstandings about ambiguous events or perceived threats and play an important role in instilling a sense of stability and security. They are not self-sufficient, however. As they do not entail any major political concession, all parties in the conflict (except India) would feel that their claims are not addressed if more decisive steps are not taken. As pointed out by Yasin Malik, the leader of the separatist organization JKLF:

The bus service [Srinagar-Muzaffarabad] has nothing to do with the solution of the Kashmir issue. It will not be fair to see it as a solution to the conflict that has raged in Kashmir for several years. I think all these issues—human rights violations, the presence of Indian troops on Kashmiri soil—are an off-shoot of the problem. And they will disappear once the dispute is resolved. There have to be final talks that lead straight towards the solution. There have been CBMs. Now there's just one CBM left, and that is the solution of the Kashmir problem. (Hakim 2005)

Step 2: The Restoration of Level 3 Sovereignty

A striking characteristic of the Kashmir conflict is its record of native political uprising caused by top-down repressive mechanisms. The mass movement orchestrated by the leader of the National Conference Sheikh Abdullah in the 1930s and 1940s and the Poonch rebellion of 1947 were responsive strategies to the authoritarianism imposed by the Dogra regime. Indeed, the literature converges on the idea that the late 1980s events in Kashmir were the result of a decade of mismanagement and political manipulation inflicted by Prime Ministers Indira and Rajiv Gandhi (Bose, 2003: 49–50; Schofield, 2003: 139–140; Koithara, 2004: 43). Koithara notes: 'The violent agitation that began in the Valley in 1989 had largely local roots, the proximate cause being the exceptionally flawed state elections of 1987' (2004: 43). Bose adds: 'The guerrilla war in IJK [Indian-controlled Jammu and Kashmir] has passed through a number of phases since 1990, but the gap between democratic aspirations and a repressive reality remains wide in India's Kashmir' (2003: 51). To understand the conflict between India and Kashmiris, we should

realize, therefore, that there is a noteworthy correlation between the indigenous political freedom (or lack thereof) and violent insurgency. The resort to violence is, hence, a consequence of the deterioration of the feeling of self-rule that Kashmiris have felt since 1846, and more emphatically since August 1947.

In 1975, Indira Gandhi and Sheikh Abdullah struck the 'Kashmir Accord', which accelerated the process of erosion of the special status of JK. According to the accord, the Indian government was able

to make laws relating to the prevention of activities directed towards disclaiming, questioning or disrupting the sovereignty and territorial integrity of India or bringing about cession of a part of the territory of India from the Union or causing insult to the Indian national flag, the Indian national anthem and the Constitution' (Kashmir Accord, 1974: paragraph 2).

This was the outcome of a process that began in the 1950s. After Abdullah's arrest in 1953 and during the rule of Bakshi Ghulam Muhammad (1953–1963), there was a steady deterioration of the special status of Kashmir. Leaders of political parties were arrested indiscriminately and public meetings were debarred. Before his resignation, Bakshi Muhammad announced that the head of JK would be called chief minister instead of prime minister (to conform with the other states of the Indian Union), and the *sadar-i-riyasat* would be simply known as governor.

Kosovo's reaction to a shift in the level of sovereignty mirrors the Kashmir case. Belonging since 1946 to the Yugoslavian federation (level 4 sovereignty) and enjoying virtual self-government since 1974 (level 3), the abrupt withdrawal of its autonomy in 1989 (return to level 4) led to violent separatist agitation in mid-1990s. Also in South Tyrol, the intransigence of Italy in granting autonomy rights to the German and Ladin speaking population (as Italy had agreed upon by signing the Treaty of Gruber-De Gasperi in 1946), and the intransigence in not taking into consideration neither a UN resolution (passed in October 1960) nor the Austrian position in the matter, triggered indigenous violent activism in the 1960s. The problem was only mitigated when a new Autonomy Statute was implemented in 1972, granting level 3 sovereignty to the region.

In order to address the problem, the solution is necessarily a gradual and careful transferral of sovereignty to JK in order to restore political personality to the people and guarantee them full protection for their cultural and religious rights. Bose (2003: 246) similarly argues: 'The peculiar internal context of IJK [Indian-controlled Jammu and Kashmir] and the constitutional history of its relationship with the Indian Union would justify a degree of such "asymmetry"'. This should be implemented by restoring Article 370, a special clause in Indian Constitution, in its original form as settled in the Delhi Agreement of 1952. By abiding to this agreement, the legal configuration implies that: (1) sovereignty in all matters other than those specified in the 1947 Instrument of Accession (defence, foreign affairs and communications) would reside in the state; (2) the state parliament, elected by general vote every four years, is empowered to legislate over all issues (for example taxation, labour law,

health) except defence, foreign affairs and communications; (3) the state is to have a 'prime minister' who would head the government instead of a 'chief minister' and a '*sadr-i-riyasat*' instead of a 'governor' as head of state. At the beginning of the implementation of Step 2, and unlike the original Article 370, the *sadr-i-riyasat* will remain a nominee for president of India and would not be elected by the state assembly (a disposition that may be altered later). This would help in mitigating the fervent criticism of Hindu political forces. (4) In view of the peculiar position in which the state was placed, the chapter relating to 'fundamental rights' in the Indian Constitution could not be made applicable to the state; (5) with regard to the jurisdiction of the Supreme Court of India, it is accepted that, owing to the existence of the Board of Judicial Advisers in the state, the highest judicial authority, the Supreme Court, should have only appellate jurisdiction; (6) the Government of India agrees to the modification of Article 352 (emergency powers) in its application to Kashmir by the addition of the following words: 'but in regard to internal disturbances at the request or with the concurrence of the government of the state'; and, finally, (7) both the state government and the Government of India agree that the application of Article 356 dealing with suspension of the state constitution and Article 360 related to financial emergency are not necessary.

The restoration of level 3 sovereignty would imply, furthermore, that once Article 370 of the Indian constitution is fully restored and its 'temporary' status is revoked, it should be possible to amend, as in the case of the Åland Islands, only by qualified majority votes taken in the Indian Parliament and the state legislature of JK. Additionally, Kashmir shall be entitled to issue postal stamps of its own, and it shall take part, as an observer, in the SAARC and in the Organization of the Islamic Conference (OIC).¹⁵ Finally, in order to encourage the return of Hindu Pandits to JK and having in mind the ethnic heterogeneity of the state, public employment and the allocation of social welfare and services (i.e., housing) shall be based on a system of ethnic proportions (quotas according to the census proportions), as in practice in South Tyrol/Italy.

In the Pakistani side, Azad Kashmir already enjoys (officially) level 3 sovereignty. According to the Interim Constitution Act of 1974, Azad Kashmir has a separate president, prime minister, legislative assembly, Supreme Court and flag (adopted in 1975). Even if it should be underlined that 'Pakistan's national security imperatives, centered on its perceived threat from India, define the boundaries of political participation and representation in AJK [Azad Jammu and Kashmir]' (Asif, 2006: 37), officially, Pakistan only brings to its control issues connected to defence, foreign affairs and currency.

Different conflict cases in the world, like the Western Sahara, Tibet, Northern Ireland or East Timor, echo the damaging consequences that arise if the *voice of the people* is left unattended. In cases like Kashmir and the above cited, bilateralism is an insufficient mechanism of peace. Intra-Kashmiri dialogue shall, therefore, be cultivated in order to build consensus on exploring the different ways out. In the words of Sajad Lone (2004), leader of the separatist party JKPC, 'It is impossible that

a single Kashmiri voice emerges. Due to interventions by India and Pakistan, coupled with the factors fear, personal status, and material resources, for half a person in Kashmir there is a leader'. But despite this fragmentation, Kashmiris political forces have common denominators: (1) they look at the dispute as a political and not religious confrontation (with the exception of Syed Geelani); (2) they recognize (although sometimes not in public) that a solution has necessarily to include the national interests of India and Pakistan; (3) they argue that a final solution implies the hurtful sacrifice of political agendas; (4) they tend to fill up the middle ground between the official positions of India and Pakistan (with the exception of Syed Geelani and Abdul Gani Bhat (APHC) who favour annexation to Pakistan); and (5) in case a plebiscite is conducted, all of them with no exception, have shown willingness to accept whatever outcome.

Step 3: From Level 3 to Level 2 Sovereignty

In order to address the shortcomings of conventional sovereignty, shared sovereignty is a promising alternative mechanism. As rightly pointed out by Krasner (2004b: 89):

Conventional sovereignty is currently the only fully legitimated institutional form, but unfortunately, it does not always work. Honoring Westphalian/Vatellian sovereignty (and sometimes international legal sovereignty as well) makes it impossible to secure decent and effective domestic sovereignty, because the autochthonous political incentives facing political leaders in many failed, failing, or occupied states are perverse. These leaders are better able to enhance their own power and wealth by making exclusionist ethnic appeals or undermining even the limited legal routinized administrative capacity that might otherwise be available.

The last stage in this ladder is only possible to attain if the previous two are consolidated, and it is only justifiable if Pakistan feels that its wishes have not been yet addressed or if violence has not abated. It is also an apposite step to meet the expectations of the people of PAK on greater autonomy and to address their hopes of an approximation to JK. Out of the three types of shared sovereignty mentioned earlier (creation of national zones, partial condominium or total condominium), the division of JK into two different national zones is unimaginable, as it would never be considered reasonable by any of the parties involved. Alternatively, this roadmap proposes a condominium solution for Kashmir, entailing three steps.

The first step would involve the establishment of a partial condominium only in JK. This presupposes that India and Pakistan should share the sovereignty of *specific components* of the governance apparatus of JK. Allowing Pakistan to participate in the administration of some of the domestic structures of JK would not imply the surrender of the international sovereignty of India and Pakistan (both would continue to be independent states under international law) but would entail the violation of the Westphalian sovereignty of India. If this solution is adopted, India will continue to control the marrow of the political life in JK but will count on the

engagement of Pakistan in dealing with issues such as, for instance, water resources, education, health, infrastructure, humanitarian aid, environment and tourism.

In the second step, the partial condominium could be extended to the whole state of Kashmir (PAK and JK). This would imply that India and Pakistan identify the components of sovereignty they are willing to coordinate together. Given the fact that Kashmir (PAK and JK) has a dense history of independent rule, basic cultural and physical infrastructures will be better managed if India and Pakistan agree to violate their respective Westphalian sovereignties for the common good of enhancing the quality of the domestic institutions in PAK and JK.

Were sovereignty shared in one or both parts of Kashmir, it is fundamental that Kashmiris not be relegated into the periphery of the decision-making process. In order to honour the political accomplishments of Step 2, India, Pakistan and Kashmiris (the ones who have a non-violent agenda) should commonly supervise the piece of the sovereignty skeleton that will be under shared sovereignty. Tourism offers a compelling example of how partial sovereignty sharing in JK (or in Kashmir, in case sovereignty sharing includes both JK and PAK) could develop. Given the tourism potentiality of JK (and the whole of Kashmir), the creation of a 'Tourism Authority of Jammu and Kashmir' (or Tourism Authority of Kashmir), composed of senior officials from Kashmir, India and Pakistan, could be assigned the responsibility for policy formulation, development, marketing and promotion of tourism. This authority would juridically surpass the national tourism authorities, i.e. Ministry of Tourism of Pakistan and Ministry of Tourism of India.

The examples of partial sovereignty in Hong Kong, Sierra Leone and Cameron-Chad are interesting to take into account. For two main reasons, however, they could not be integrally recreated in Kashmir. Firstly, whereas in these countries partial condominiums were established to ensure that 'trustworthy' organizations (Commonwealth, the UN and the World Bank) could provide accountability and transparency, in Kashmir external organizations are not likely to be allowed inside by the Indian government. Over the last 40 years, India has militated in favour of removing Kashmir from external interferences: first with the Tashkent Declaration of 1966, which followed Pakistan's invasion of JK in 1965, and later with the Simla Agreement of 1972, which followed the 1971–1972 Bangladesh War. While the Tashkent Declaration stressed bilateral negotiations, the Simla Agreement spelled out that India and Pakistan would henceforth settle their disputes peacefully through bilateral negotiations. Secondly, the catalyst for partial sovereignty sharing in Kashmir is not only to grant transparency and accountability but ultimately to address the sovereignty claims of Pakistan. Even so, the cases of Hong Kong, Sierra Leone and Cameron-Chad demonstrate that the surrender of some sectors of national sovereignty is, indeed, possible to attain and fairly cost effective. And for this reason, even if international organizations would remain aloof from the epicentre of the Kashmir conflict, India may be willing to partially share the sovereignty of Kashmir with the only party India is forced to negotiate with—Pakistan.

In the third step, a *partial* condominium may eventually lead to *total* sovereignty sharing. In case Pakistan, India and Kashmiris agree on sharing the sovereignty of Kashmir (both JK and PAK), the configuration of power could be designed in the following way: (1) in terms of internal sovereignty, Kashmir will not be independent, will not have international personality and, therefore, has no right to maintain formal diplomatic representation abroad. Any attempt to give Kashmir full international 'actorness' (as arguably Andorra holds) would be repudiated by both India and Pakistan. However, in cases previously defined, Kashmir may be entitled to act internationally and to sign international legal documents (e.g., in the areas of education, tourism, sports and culture, as the case of Belgium's states or New Caledonia). Although it would not be an independent country, Kashmir could also take part as a full member (and not only as observer, as suggested in Step 2) in international organizations, namely the South Asian Association for Regional Cooperation, the World Health Organization or the United Nations Educational, Scientific and Cultural Organization (Macao and the British Virgin Islands, for instance, are associate members). (2) Both the president of India and the president of Pakistan are heads of state. They would be represented in Kashmir by one delegate each. As in the case of Andorra, they would maintain authority in approval of all international treaties, which deal with internal security, defence, Kashmir territory, water management, and judicial and penal cooperation. Before entering into shared sovereignty, India and Pakistan should formally determine that the issue of independence or full accession to either India or Pakistan should be debarred from discussion. (3) The executive power is not subject to major modifications from Step 2 to Step 3. The elected government/prime minister is responsible for the administration and implementation of all the legal apparatus produced by either India and Pakistan or the state assembly and is also the responsible for the decision-making process. (4) Kashmir's main legislative body is a 100-member parliament elected in general elections to be held every four years and, like in Northern Ireland, subject to safeguards to protect the rights and interests of all the religious communities. As in Andorra, after the general elections, the parliament elects the head of government, who, in turn, after being formally appointed by both heads of state, chooses the other members of the government. The constitution of a common Kashmir Legislative Assembly after a long-standing fraction should draw inspiration from the Sami Parliamentary Assembly, created in 2000, as a cooperative body representing the elected Sami Parliaments of Finland, Norway and Sweden ('Samediggi'), to articulate the Sami voice in international affairs. This roadmap for peace does not advocate that, like in Scandinavia, a Kashmir Assembly should coexist with the present legislative bodies in PAK and JK. This is because Kashmiris do not constitute a cross-border homogenous and ancient ethnic entity that is culturally distinct from either Indians or Pakistanis (who are themselves very diverse). The Sami case is, nonetheless, interesting to bear in mind because it represents an attempt by a partitioned people to craft political institutions from below. This article suggests that a *Kashmir Legislative Assembly* should replace, and not overlap, the Azad and JK

Legislative Assemblies and the Northern Areas Legislative Council. Even though the Northern Areas remain administratively separated from Azad Kashmir within the constitutional architecture of Pakistan, the roadmap proposes the return of this territory into the social and political fabric of Kashmir. If so, the Northern Areas would overcome the constitutional uncertainty that they are currently subject to.¹⁶ The Kashmir Assembly would legislate, as in Step 2, on all matters other than defence, foreign affairs and communications. (5) The judicial system shall be independent and the Supreme Courts of India and Pakistan, under a pre-defined framework, shall only have appellate jurisdiction (as in the Netherlands Antilles); (6) similar to Micronesia, Palau and the Marshall Islands (which have their own citizenship though under US jurisdiction) and Hong Kong (a parcel of Chinese territory), Kashmiris shall have the right to have their own citizenship, which they combine with either Indian or Pakistani citizenship (at their will); (7) Kashmir shall have the right to have its own flag; (8) as in the Åland Islands, a Kashmir police force shall be created drawing elements from the current Indian and Pakistan police forces; (8) also similarly to the Åland Islands, the territory of Kashmir shall be demilitarized as proposed by former President Musharraf in October 2004; and (9) shared sovereignty in Kashmir presupposes, like in South Tyrol, an inevitable withdrawal of border restrictions and the intensification of contacts between Ladakh and the Northern Areas, Jammu and West Punjab, or the Valley and Muzaffarabad. Road links between Jammu-Sialkot, Kargil-Skardu and Uri-Muzaffarabad shall be created.

The constitutional arrangements of Step 3 need to be clearly spelled out by legitimate actors. This is to prevent Pakistan, India and Kashmiris from falling into four possible traps. The first is the *domination of one country* over the other in terms of power distribution. As was the case in the Sudanese condominium, where the United Kingdom tacitly administrated the country to the detriment of Egypt, juridical safeguards need to be adopted to avoid power unbalances. The second is the *polarization of administration*, whereby external countries end up creating parallel (and possibly competitive) bureaucratic structures. The condominium of Vanuatu governed by England and France served as the stage for a fierce competition between both countries that led to the bipolarization of the public system, with damaging consequences at the social and financial levels. The third trap is a *power vacuum*, which currently exists in the administration of Lake Constance (situated between Germany, Switzerland and Austria). Given the deep-seated grievances in Kashmir, constitutional obscurity could easily be harmfully explored by one of the parties and degenerate into political paralysis or social conflict. The final trap is the *partition of the territory*, which occurred in Germany and Trieste after the Second World War. In Kashmir, this would presuppose back-tracking to the present situation, where the territory is divided and incorporated into India and Pakistan without adequately addressing the concerns of the endogenous population. This latter idea is, indeed, central in this roadmap. Unlike historical condominiums such as the Oregon Territory or Cyprus, or as in present-day Faisanes Island, where no autochthonous population with a sense of collectiveness existed/exists, Kashmir has a vibrant

identity. This roadmap takes this specificity into account by delegating the executive power to Kashmiris, whereas India and Pakistan are only responsible for the general guardianship of the state.

Unlike the Livingston Proposal, which draws somewhat from the Andorran case, Step 3 of this roadmap is not moulded along religious lines. The formula proposed by the Kashmir Study Group, takes the area dominated by Muslims/Kashmiri speakers (basically the valley) as the only part that shall be under shared-sovereignty status, which may lead to another partition by pulling Hindus/Buddhists and Muslims apart, which is something that the majority of Kashmiris indomitably refuse.¹⁷ Shared sovereignty is not the same as divided sovereignty. And therefore Kashmir shall not mirror the example of the Free Territory of Trieste, whose bipolar administration by American/British and Yugoslavian forces led to a de facto partition in 1947 (which was made perennial in 1975), where Italy kept the port city of Trieste, and Yugoslavia incorporated the Croat-Slovene dominated Istrian region. Besides the Livingston Proposal, other peace proposals offered by the international community—namely the Chenab Formula, a region-by-region plebiscite or the Regional Autonomy Committee proposal—equally presuppose the maintenance of the division of Kashmir (or a new partition of JK). This is, however, an unfeasible solution because it would meet fierce opposition from India, Kashmiri separatists (moderate and hardcore) and political militants. In an interview with *The Hindu*, the separatist leader Umer Farooq declared: ‘We cannot accept any partition of the State. Let me be clear that no more lines should be drawn but rather whatever lines exist should be withdrawn’ (Puri 2004). On the same track, in a interview to *Srinagar News*, the militant leader Syed Salahuddin ruled out the division of JK as a solution to the dispute: ‘No such formula would be acceptable to us. We will oppose any such move’ (cited Tribune 2004). By the same token, the Indian prime minister declared in a visit to Srinagar that international borders were non-negotiable, and further partition on the basis of religion was unacceptable.¹⁸

Operationalization of the Roadmap

At the outset of this article, I argued that various parties are involved in the Kashmir conflict: India (government and conservative political forces), Pakistan (government, ISI/Army and conservative political forces), religious militants and Kashmiris—pro-Indians (National Conference and Kashmiris outside the Valley), separatists (hardcore and moderate) and political militants—each with specific agendas. What is the positioning of these actors vis-à-vis this roadmap?

India bases its argumentation on the Instrument of Accession signed by Hari Singh, and it seems to advocate the permanence of the status quo and the transformation of the LoC into an international border (level 4 sovereignty). Over the last years, however, authorities in India have concluded that the status quo will not lead to the resolution of the dispute, which is a major obstacle in the country’s road towards economic prosperity and the achievement of great power status (Cohen,

2001a; Nayar and Paul, 2003; Pant, 2008). The coalition government led by the Congress Party seems to be, consequently, not only available to include moderate Kashmiris in the negotiations¹⁹ but also to discuss larger autonomy in JK²⁰ (Step 2/Level 3). In Kashmir, the National Conference's (NC) agenda is also of 'greater autonomy under Indian jurisdiction'. They will, hence, support the implementation of Step 2, and in case the Indian government decides to implement Step 3, the NC is likely to follow suit.

The implementation of the roadmap should be done gradually in order to mitigate the effervescent opposition of such political groups in India as the *Rashtriya Swayamsevak Sangh* (RSS), the conservative wing of the National Congress Party, and some hardcore factions of the *Bharatiya Janata Party* (BJP), which look at Article 370 as a step short towards actual secession. To do so, the Indian government could be more condescending and integrative of BJP's policies on other important issues (give-and-take policy) and should ensure that the rights of the Hindus living in Kashmir are protected in constitutional and practical terms (see below).

The implementation of Step 2 will certainly have an impact on the war India is waging against *political militants*. By injecting political freedom and personality into Kashmir, the option for violent militancy becomes less justifiable, and the indigenous support to groups such as the *Hizb-ul Mujahedin* will likely decrease. The *Hizb-ul Mujahedin* itself seems to be willing to put an end to violent operations in case the cause of self-determination is fulfilled. Its leader, Syed Salahuddin, who has publicly declared that he was catapulted to militancy by the alleged rigged elections of 1987, has often demonstrated that he would support the ongoing peace talks as long as Kashmiri concerns are properly accounted for.²¹ At a later stage, if a commitment to end violent action in Kashmir is made, the participation of Salahuddin in the peace talks should also be considered.

Along similar lines, Step 2 and Step 3 are political goals that *moderate separatist leaders in JK and PAK* are predisposed to assent on. Even though Kashmiris living in the valley and in PAK²² are inclined to choose complete independence (level 1 sovereignty), there is a growing acceptance by the people living in the valley and in PAK that solutions for peace imply political sacrifices. In the words of Abdul Gani Bhat (APHC): 'Idealism is a creed, but if we disconnect idealism from pragmatism we cannot ever draw objective conclusions' (2004). If Step 3 is adopted, PAK Kashmiris, specifically, would have a chance to enjoy *real* self-rule for the first time. Although PAK has acquired a wide range of 'autonomous' institutions, the constitutional self-government is subject to systematic intervention and manipulation by Islamabad (Bose, 2003: 255; Schofield, 2003: 91; International Crisis Group, 2007).

After discussions with the author, the leaders of JKLF, JKPC and the Hurriyat (primarily the moderate wing) have shown their predisposition to use pragmatism as a vehicle for peace and to mould their political positions according to the national interests of India and Pakistan. And in this respect, the change in sovereignty design—as proposed in Step 2 and 3—is a formula that separatist leaders are willing to take. As pointed out by Umer Farooq (APHC): 'In the future we have to be able to

negotiate how much amount of self-rule and self-government is given to different regions' (2004).²³ In addition, it should be mentioned that the literature has demonstrated that, in the globalization era, few fledgling nations can be financially independent. Instead, self-determination movements would be better off if they push for their agendas within the protective embrace of existing federations (Lal, 2006; Rosecrance and Stein, 2006).

Adding to the previous actors, the position of *the people of Jammu and Ladakh* is equally of vital importance. Although they have displayed their resistance to the asymmetric autonomization of JK vis-à-vis other Indian states, they will likely concede if India presses towards that goal (or even Step 3). Given the strong Pandit lobby in New Delhi and the historical ties with the Pandit community, ultimately India will not change the status quo (Step 2 and 3) unless adequate conditions for the Pandits to return to Kashmir are created. Moreover, the intrastate war in Kashmir is primarily a political rather than a religious conflict. And for this reason, the majority of political separatist leaders in the valley have publicly stated that the return of the Pandits is amply welcomed.²⁴

In opposition to India, *Pakistan* advocates the accession of Kashmir into its jurisdiction. At the same time that India and the Kashmiri moderate leadership may be inclined to comply with Step 2, Pakistan will certainly show its distress on this arrangement as no major changes in the territorial status quo were made and will demand major concessions from India. Even though former President Musharraf has called for self-rule in parts of JK, and current President Asif Ali Zardari has commended the issue of greater autonomy as a viable proposal (Gulf News, 2008), it would be difficult for the Pakistani leadership to sell the idea that self-rule is a fair recompense for giving up a six-decades long struggle. One way out is to claim that India would cease 'repressing' the Muslims of Kashmir. In recent years, Pakistan has been stressing 'repression' more than the right of self-determination (Koithara, 2004: 279).

To address Pakistan's apprehension, India has to propose direct or indirect compensations. It may, first of all, adopt a more flexible position in the upcoming negotiations over the other issues that pit the two countries against one another, namely Sir Creek, Siachen and India's intention to construct a dam on the Wular Lake in Kashmir to control the discharge of water into the Jhelum River, which flows through India into Pakistan. Secondly, India should adopt a sympathetic position in the bargaining process over the South Asian Free Trade Area (SAFTA) providing Pakistan with favourable tariff concessions on relevant commodities exchanged between both countries. In the negotiations, India may also propose compensatory and protection measures for the economy of Pakistan. During the implementation of Step 2 and Step 3, Pakistan authorities need to be able to flaunt significant acquisitions in order to outplay the likely criticism of *conservative political forces* such as the *Muttahida Majlis-e-Amal* (MMA). The MMA is a coalition of parties, which aspire to establish a complete theocracy in Pakistan.

If the roadmap is embraced, Pakistan will see its central interests addressed (political 'liberation' of the Kashmiris, Step 2, and intervention in the internal

sovereignty of JK, Step 3), and therefore it is likely to drop progressively the logistical, training and financial support to all militant organizations that are still dependent on state support. However, not all religious militant groups operating in Kashmir are in tune with, or dependent on, Islamabad. Indeed, some religious militants groups are cells in a global network of stateless religious militarist extremism, whose financial resources, logistical support and warfare training, are no longer dependent on one single sponsoring state (Arquilla and Ronfeldt, 2002; Shultz and Dew, 2006). Adding peculiarity to Pakistan's case, there is clear evidence that some ISI officials do not always responds loyally to the orientations given by Islamabad and have an autonomous status within the sovereign apparatus of Pakistan. According to data gathered by Coll (2004), the ISI has developed into a power in its own right, self-funded, with resources that partially originate from criminal endeavours, fees, external sponsorship and corruption (see also Haqqani, 2005). This is particularly evident when the country is led by a civilian administration. Benazir Bhutto, for instance, complained in September 1991 that she was denied information about highly sensitive aspects of the Pakistan's nuclear program during her first term as prime minister (see Haqqani, 2005: 263).

Earlier, we contended that the positions of the various actors are so antagonistic that the success of any roadmap depends partially on the capacity to present alternative avenues and compensatory measures. In this light, foreign militants and the military elite in Pakistan need to be handled by the Islamabad government creatively. Once the Pakistani government realizes that the implementation of the roadmap offers a long way into addressing its decades-old objectives (even if it presupposes changing its policy), their leverage and incitement to tackling these dissident forces will likely increase. There are numerous measures Pakistan could adopt. First, in order to address both the concerns of the militants who would be affected by the dissolution of Pakistan's support and the interests of the militants that are operating outside the direct control of Pakistan, Islamabad would be better off by pushing an agenda that favours disarming and demobilization in a context of social work (see Gunning, 2004). Pakistani authorities could set up resettlement centres with a mandate to receive, accommodate, disarm, feed and register former combatants. Financial compensations should also be provided to balance out the money religious militant receive, estimated to be between US\$8,500 and US\$10,500 (two-year time span) (Bedi, 2001: 1). It is well documented that the main driver of Pakistani youth into terrorism is poverty (Cohen, 2005: 235; Pedahzur, 2006). Also, former religious militants should be given conditions for reintegration in the social networks they originate from. As alerted by Baylouny, 'repression and authoritarianism do not eliminate militant rebellion or protest'; instead, she adds, democratic institutions 'have withstood assault by absorbing some radical groups, de-legitimizing those who stray too far from accepted norms, and allowing others to try their hand at obtaining the populace's electoral approval' (2004: 4). Combatants could be given technical training in, for instance, goat and poultry rearing, fruit growing, carpentry, weaving or tailoring, which would economically empower them and their families.

This should be carried out in a spirit of Islamic theological dialogue and non-violent *jihad* (Ayoub, 2004: 68–69). Since the adoption of Step 2 (and 3) presupposes that Kashmiris will be able to exercise their religious and political beliefs in a more ‘free’ way, militants should be compelled to re-assess the need to wage a *jihad* against an ‘oppressor’ that no longer ‘oppresses’. The demobilization processes carried out in El Salvador, Mozambique, Uganda, Afghanistan, Guatemala, Angola, Burundi, the Central African Republic, the Democratic Republic of Congo and Rwanda, from which the international community gained an accumulated knowledge, should be capitalized on (see Weinberg and Pedahzur, 2003).

Finally, in case extremist religious militants are not willing to comply with the reintegration and socialization plans suggested, and in the eventuality that they are operating as a genuine transnational and stateless agent with no direct attachment to Pakistan’s government, Islamabad should accentuate the control over its northeastern border and exchange surveillance information with India on the trajectory of possible militants. Nevertheless, as pointed out by Swanström and Björnehed (2004: 339): ‘Although unilateral and bilateral efforts of conflict resolution are necessary and should be encouraged, in order to have a chance at eliminating the threat of transnational terrorism to any significant degree, multinational cooperation and action is vital’. Thus, the two South Asian states should act resolutely to implement the ambitious *Additional Protocol to the SAARC Regional Convention on Suppression of Terrorism* (2004), and should work actively under the joint anti-terrorism mechanism set up by the two countries in 2007.

Within Pakistan’s decision-making establishment, specific attention should also be paid to *the ISI and the military*. Indeed, no peace effort has a chance of success unless the role of these players is addressed (Koithara, 2004: 273). Within the history of Pakistan, as it was pointed out before, ISI has, often, operated as a clandestine and autonomous organization that may not follow the official directives laid out by the government. It is clear however, that the only outcome in Kashmir that the ISI and the Army would audibly oppose would be the independence of the territory (a step not contemplated in this roadmap). Also, as noted by Haqqani (2005: 263): ‘The military elite are not opposed in principle to Indo-Pakistani rapprochement, but they are concerned that the civilian government not ignore what they see as New Delhi “hegemonic” agenda’. Koithara (2004: 274) also notes: ‘The political centrality of the army in Pakistan rests a great deal on its role as the nations’ guardian against India’. Thus, the Pakistani military elite would likely be sympathetic to any configuration in Kashmir that would imply major concessions from India. If the roadmap were adopted, India would have to alter the current status quo and adopt bold measures to overcome the stalemate. In addition, the roadmap does not propose the dismantlement of Pakistan’s nuclear option either—a measure that would be severely disputed by the military elite. Finally, thoughtful elements within the Pakistani army understand that the present confrontational policy towards India is pushing the country along a path of socio-economic decline, and that in turn would strengthen

domestic opposition to the army (Koithara, 2004: 276). As alerted by Amin (2000: 25), a Pakistani scholar and former ambassador:

Time does not seem to be in Pakistan's favor and the policies of the *status quo* have been working on Pakistan's disadvantage, more particularly, in the recent past which has seen both a serious decline in Pakistan's economic fortunes and a sinister accentuation of the process of its internal destabilization.

Indeed, Pakistan's financial and political constraints are rapidly widening the conventional military gap and, hence, the choices available to the army are diminishing.

By distinguishing between positions and interests, the present roadmap creates conditions to satisfy the distinct interests of the parties involved with the Kashmir dispute, either by fashioning an arrangement that directly benefits them or by identifying compensatory mechanisms that would help to address their concerns. On the crucial issue of Kashmiri participation in the peace process, the roadmap advocates that native Kashmiris should be involved in the current Indo-Pakistani composite dialogue with no preconditions over the formation of a single Kashmiri voice. Even though there is a common cultural substratum among the Kashmiris—the *Kashmiriyat*—as history has demonstrated, politics in Kashmir is exercised in a dynamic and rich environment where divergent agendas reign. And these different political groups, characteristic of a politically active society, should be brought to the negotiation table on a step-by-step basis.

Conclusion

The theory that political relations need to be rooted in the idea of sovereignty is a fairly recent assumption. Before political life was moulded by the idea of mutual recognition of territorial entities, each with an independent structure of authority, the world was configured by alternative formats such as colonialism, imperialism and feudalism. Over the last centuries, however, the idea that sovereignty was the most effective mechanism to grant security and welfare to the citizens of an independent state became overwhelming. In some countries, nevertheless, the idea of sovereignty has failed completely. Some states that enjoy international and Westphalian sovereignty have been engulfed in internal turmoil, social inequalities, declining *per capita* income, human rights violations, widespread corruption, military violence and overall social fragmentation. Kashmir is a paradigmatic case where the classic idea of sovereignty has failed. As a legally independent state, India has not been able (and sometimes has not been permitted) to bestow condign living conditions to the people of Kashmir.

Previous experiments in the laboratory of shared sovereignty were lightweight. Either *total* condominiums were implemented in minuscule territories (as Andorra, Isla de los Faisanes, Lake Constance, Vanuatu), did not last for a long time (Sudan or the Canton/Enderbury islands) or were applied to virtually depopulated territories

(Oregon Territory). Kashmir is, however, a densely populated and reasonably large territory with a violent history to bear. And unlike previous cases of *partial* sovereignty sharing, which were catalyzed by post-conflict occupation, avarice, desperation or elections (Krasner, 2004b), in Kashmir the need to partially share sovereignty derives from the urge to mitigate a protracted violent conflict. Despite the unavailability of previous cases that mirror the specificity of the Kashmiri context, important lessons could be extracted from them.

When in February 1999, former Indian Prime Minister Vajpayee travelled by bus to Lahore, it ignited a climate of optimism and hope. Four months later, India and Pakistan were, nevertheless, involved militarily in a war fought in the rugged landscape of Kargil. In July 2001, Pakistan and India once again resumed diplomatic talks and the former President of Pakistan, General Musharraf, met Vajpayee in Agra. The talks did not produce any breakthroughs, and six months later, after the terrorist attack to the Indian *Lok Sabha* (13 December 2001), India and Pakistan were on the brink of another war. Given this bleak picture, the new window of opportunity that opened in January 2004 has sparked, expectedly, antithetical reactions in India, Pakistan and elsewhere. Yet, the sentiment in Islamabad/Rawalpindi, New Delhi, Muzaffarabad and Srinagar is that the moment is ripe for courageous decisions to be made.

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Notes

- [1] Henceforth in this article, 'Kashmir' refers both to the independent territory under Dogra dominion since 1846 to 1947 and to the territory that nowadays encompasses 'Jammu and Kashmir' (JK), under Indian control, and 'Pakistan Administrated Kashmir' (PAK), under Pakistan. Throughout the article the term 'Pakistan Administrated Kashmir' encompasses both Azad Kashmir and the Federally Administered Northern Areas.
- [2] Data from Uppsala Conflict Data Program (n.d.).
- [3] See Brecher (1953), Gupta (1966), Thomas (1992), Tremblay (1996–1997), Ganguly (1997 [paperback edition 1999], 2001), Hussain (1998), Wirsing (1998, 2003), Ataöv (2001), Chari and Chandran (2001), Cohen (2001b), Akbar (2002), Margolis (2002), Bose (2003), Schofield (2003), Habibullah (2004), Koithara (2004), Rai (2004), Paul (2005), Schaffer (2005), Sidhu *et al.* (2006), and Behera (2006).

- [4] Data from Uppsala Conflict Data Program (n.d.). The database alerts: 'No total number of battle-related deaths in the Indo-Pakistan conflict since its onset in 1947 is available', and therefore 1971 is taken as the mathematical starting point.
- [5] Although in 2007 the conflict was identified as a 'minor armed conflict' (at least 25 battle-related deaths in a year but fewer than 1,000) in previous years (1990–1993 and 1999–2005) the conflict was registered as 'war' (at least 1,000 battle-related deaths in a year'). Data from Uppsala Conflict Data Program.
- [6] In 31 July 1988, two bomb blasts occur outside the Srinagar Telegraph Office and the Amar Singh Club, which, according to the JKLF, were the first violent incidents in the state's insurgency.
- [7] As noted by Schofield (2003: 146): 'Many of the militants were the disappointed political workers and traditional opponents of the National Conference in the 1987 elections. Young men aged between 16 and 25, they came from the towns of Srinagar, Anantnag, Pulwama, Kupwara and Baramula. Unlike their forbears who had campaigned for education and political rights in the 1930s, the majority were well educated—doctors, engineers, teachers, policemen—who had become alienated by Indian government policies in New Delhi and lack of job opportunities'. Behera (2006: 145) notes that they were 'a reservoir of educated, unemployed youth, largely of the petty bourgeoisie comprising artisans, orchard-owners, and small businessmen who had not been affected by the 1950 land reforms'.
- [8] In June 2005, during a visit to Pakistan, Yasin Malik (leader of JKLF) recognized that around 3,500 Kashmiri militants had been trained in 'guerrilla warfare' in Pakistani camps in the late 1980s (BBC News, 2005). Another Kashmiri separatist leader based in Azad Kashmir, Amanullah Khan, has also affirmed in public that the Pakistan's ISI has supported the insurgency in JK since early 1988 (Ali, 2005). See also Haqqani (2005: 287) and Bose (2003: 50).
- [9] According to the *MORI 2002 Survey* (Ipsos MORI 2002), a very clear majority of the population—65 per cent—believes that the presence of foreign militants in JK is damaging to the Kashmir cause, and most of the rest take the view that it is neither damaging nor helpful.
- [10] Although this proposal has been under discussion since the 1960s, it was reinvigorated in May 2003 when the then-prime minister of Azad Kashmir, Sardar Sikander Hayat, suggested it as a possible solution to the conflict (Abbas, 2003).
- [11] PDP's President has called for declaring JK a 'free trade zone', so that the state could achieve self-sufficiency (see Bukhari, 2006).
- [12] See Daily Times (2007).
- [13] In an interview with the author, Sajad Lone (2004) suggested the creation in Kashmir of a free trade area that could resemble in the long run the Chinese province of Hong Kong.
- [14] The *MORI 2002 Survey* (Ipsos MORI, 2002) revealed that two-thirds of the people in JK take the view that Pakistan's involvement in the region for the last 10 years has been bad. Only 15 per cent believe it has been good for the region, while 18 per cent say it has made no real difference.
- [15] This was suggested by Mirwaiz Umer Farooq in September 2005. According to him, 'The OIC membership would be a step towards greater involvement of the Kashmiri people in the international community' (see Nation, 2005).
- [16] Unlike Azad Kashmir, the Northern Areas are governed directly by Pakistan as a de facto federal dependency. In 1993, the 'Azad Kashmir' High Court passed a verdict criticizing the unrepresentative and unclear administrative system in the Northern Areas. It directed the 'Azad Kashmir' government to assume administrative charge of the region and asked the government of Pakistan to assist the 'Azad Kashmir' government in this task. The Pakistan government appealed in the Supreme Court, which, in a judgment passed in 1994, stated: 'The Northern Areas are part of Jammu and Kashmir state but are not part of "Azad Kashmir" as defined in the Azad Kashmir Interim Constitution Act, 1974' (International

Crisis Group, 2007: 7). Until 1994, the people of the Northern Areas had no elected assembly, or even a municipal council, and no representation in the Federal National Assembly. In 1994, the Northern Areas Executive Council (preceded by the Northern Areas Legislative Council, created in 2000) was established to address the vacuum. Pakistan's federal minister for Kashmir affairs continues however, to exercise executive powers (the minister heads the Northern Areas Legislative Council). According to the International Crisis Group's report *Discord in Pakistan's Northern Areas*: 'The Pakistani military, the ultimate arbiter of the country's Kashmir policy, has kept the strategically sensitive federally administered Northern Areas under central control for fear that even a modicum of autonomy would translate into political empowerment and demands for self-governance' (2007: 4; see also Behera, 2006: 170–207).

- [17] According to the *MORI 2002 Survey* (Ipsos MORI, 2002), an overwhelming 92 per cent of Kashmiris oppose the state of Kashmir being divided on the basis of religion or ethnicity.
- [18] 'We cannot accept any second partition of the country on communal basis and this is the position on which we stand firmly. There cannot be any compromise on this point' (see Hindu, 2004b).
- [19] In September 2005, the Indian prime minister received for the first time an APHC delegation, which was followed by talks with the JK People's Conference in January 2006 and with the JKLF in February 2006. In 2008 the APHC declared that it was considering resuming talks with the Indian government, following a proposal by Prime Minister Manmohan Singh (see One India, 2008).
- [20] In November 2004, the Indian government publicly expressed its willingness to discuss giving greater autonomy to JK. The External Affairs Minister Natwar Singh declared that 'sky is the limit' when it came to regional autonomy (see Baruah, 2004). Later, the Indian prime minister stated: 'There is a need to evolve a common understanding on autonomy and self-rule for Jammu and Kashmir and I am confident that working together with all groups, both within and outside the mainstream, we can arrive at arrangements within the vast flexibilities provided by the Constitution; arrangements which provide real empowerment and comprehensive security to all people in the State' (see Sood, 2006).
- [21] 'Not at all [Kashmiri fighters will not attempt to stymie the peace process]. We also want peace, but are familiar with India's tactics. If India is willing to restore the confidence of the Kashmiri people, it can do so by announcing that Kashmir is a disputed territory and the issue should be resolved according to the wishes of the Kashmiris. As a gesture of goodwill, if India releases the thousands of innocent Kashmiris [in its custody] then we can talk of a ceasefire. India has to show its sincerity' (see Tohid, 2003). See also Tribune (2004).
- [22] See Hindustan Times (2004) and Bukhari (2004). Two of the central political groups in PAK, JKLF and the All Parties Nationalist Alliance (APNA) have an independence agenda. In the 2006 elections for the legislative assembly of Azad Kashmir, 60 pro-independence candidates from these groups were barred from the contest by election authorities (see Human Rights Watch, 2006).
- [23] Additionally, Umer Farooq has publicly disclosed that the APHC is considering a solution inspired by the Andorra and Irish models. See Times of India (2006).
- [24] Even conservative leaders such as Syed Ali Geelani (hardline APHC) have welcomed the prospective return of the Kashmiri Pandits to the Kashmir Valley saying they were a part and parcel of JK's rich culture: 'We welcome the return of lakhs of Kashmiri migrants, including our Pandit brethren, who have been suffering in different parts of India in blistering heat' (see Hindu, 2004a). JKLF leader Yasin Malik has also declared: 'We want our Kashmiri Pandit mothers, sisters and brothers to come back. It is their land. They have every right to live in it as we do. This is the time that Kashmiri Muslims must play a constructive role so that we can restore the culture for which we are famous all over the world' (see Sharma, 2004). The same view was expressed in an interview to the author (Malik, 2004).

References

- Abbas, Z. (2003). 'Analysis: Dividing Kashmir by Religion', *BBC News*, 21 May. Available at: http://news.bbc.co.uk/1/hi/world/south_asia/3048215.stm.
- Akbar, M. J. (2002). *Kashmir: Behind the Vale*. New Delhi: Roli Books.
- Ali, Z. (2005). "'Pakistan Trained Us", Rebel Says', *BBC News*, 16 June. Available at: http://news.bbc.co.uk/1/hi/world/south_asia/4099740.stm.
- Amin, S. M. (2000). *Pakistan's Foreign Policy: A Reappraisal*. Oxford: Oxford University Press.
- Arquilla, J. and Ronfeldt, D. (2004). *Networks and Netwars: The Future of Terror, Crime, and Militancy*. Santa Monica, CA: RAND.
- Asif, B. (2006). 'How Independent is Azad Jammu and Kashmir?', in W.P.S. Sidhu, B. Asif, and C. Samii (eds.) *Kashmir: New Voices, New Approaches*. Boulder, CO: Lynne Rienner, pp. 45–65.
- Ataöv, T. (2001). *Kashmir and Neighbours: Tale, Terror, Truce*. Aldershot: Ashgate.
- Ayoub, M. M. (2004). *Islam: Faith and History*. Oxford: Oneworld Publications.
- Baruah, A. (2004). 'No Reverse Gear Applied, Says Natwar Singh', *The Hindu*, 26 November. Available at: <http://www.hinduonnet.com/thehindu/2004/11/26/stories/2004112607640100.htm>.
- Baylouny, A. (2004). 'Democratic Inclusion: A Solution to Militancy in Islamist Movements?', *Strategic Insights*, 3 (4): 1–7.
- BBC News (2005). 'Minister "Backed" Kashmir Rebels', *BBC News*, 15 June. Available at: http://news.bbc.co.uk/1/hi/world/south_asia/4092072.stm.
- Bedi, R. (2001). 'Kashmir Insurgency is Being "Talibanized"', in *Jane's*. Available at: <http://www.janes.com/>.
- Behera, N. C. (2006). *Demystifying Kashmir*. Washington: Brookings Institution Press.
- Bhat, A.G. (2004). Interview by author in Srinagar, Kashmir. December 3.
- Bose, S. (2003). *Kashmir: Roots of Conflict: Paths to Peace*. Cambridge, MA: Harvard University Press.
- Brecher, M. (1953). *The Struggle for Kashmir*. New York: Oxford University Press.
- Bukhari, S. (2004). 'Independent Kashmir Only Solution', *The Hindu*, 25 November. Available at: <http://www.hinduonnet.com/2004/11/25/stories/2004112503091200.htm>.
- Bukhari, S. (2006). 'Declare J&K Free Trade Zone', *The Hindu*, 22 February. Available at: <http://www.hindu.com/2006/02/22/stories/2006022201471500.htm>.
- Chari, P. R. and Chandran, S. (2001). *Kashmir: The Road Ahead*. New Delhi: Institute of Peace and Conflict Studies.
- Cohen, S. (2001a). *Emerging Power India*. Washington D.C.: Brookings Institution Press.
- Cohen, S. (2001b). 'India, Pakistan and Kashmir', paper presented in December at the University of Texas.
- Cohen, S. (2005). *The Idea of Pakistan*. Oxford: Oxford University Press.
- Coll, S. (2004). *Ghost Wars: The Secret History of the CIA, Afghanistan, and bin Laden: From the Soviet Invasion to September 10, 2001*. New York: Penguin Press.
- Daily Times (2007). 'Turn Kashmir into a Free Trade Zone: Former IHK CM', *Daily Times*, 7 April.
- Farooq, M.U. (2004). Interview by author in Srinagar, Kashmir. 4 December.
- Ganguly, S. (1997). *The Crisis in Kashmir: Portents of War, Hopes of Peace*. Cambridge: Cambridge University Press. (Also available in a paperback edition [1999] Washington, DC: Woodrow Wilson Center Press).
- Ganguly, S. (2001). *Conflict Unending: India-Pakistan Tensions Since 1947*. Columbia University Press and Woodrow Wilson Center Press: New York and Washington.
- Geelani, S. (2004). Interview by author in Srinagar, Kashmir, 4 December.
- Gulf News (2008). 'Zardari Backs Singh's Kashmir Autonomy Plan', *Gulf News*, 29 June. Available at: <http://archive.gulfnews.com/articles/08/06/29/10224589.html>.
- Gunning, J. (2004). 'Peace with Hamas? The Transforming Potential of Political Participation', *International Affairs*, 80 (2): 233–255.

- Gupta, S. (1966). *Kashmir: A Study in India-Pakistan Relations*. New York: Asia Publishing House.
- Habibullah, W. (2004). *The Political Economy of the Kashmir Conflict: Opportunities for Economic Peacebuilding and for U.S. Policy*. Special Report no. 121. United States Institute of Peace, Washington, DC.
- Hakim, Rehana (2005). 'I Have Never Been on Pakistan's "Favoured Guests" List', *Newsline*, January. Available at: <http://www.newsline.com.pk/newsJan2005/int1jan2005.htm>.
- Haqqani, H. (2005). *Pakistan: Between Mosque and Military*. Washington, DC: Carnegie Endowment for International Peace.
- Harbom, L., Melander, E. and Wallensteen, P. (2008). 'Dyadic Dimensions of Armed Conflict, 1946–2007', *Journal of Peace Research*, 45 (5): 697–710.
- Hindu (2004a). 'Geelani Not Averse to Pandits's Return', *The Hindu*, 15 September. Available at: <http://www.hinduonnet.com/2004/09/15/stories/2004091506421200.htm>.
- Hindu (2004b). 'Manmohan Invites All Groups for Talks', *The Hindu*, 19 November. Available at: <http://www.hindu.com/2004/11/19/stories/2004111911890100.htm>.
- Hindustan Times (2004). 'In POK, Azadi Is on All Minds', *Hindustan Times*, 27 November, p. 5.
- Human Rights Watch (2006). *Pakistan: Abuses Feared in Kashmir Elections*. Available at: <http://hrw.org/english/docs/2006/07/06/pakist13696.htm>.
- Hussain, I. (1998). *Kashmir Dispute: An International Law Perspective*. Islamabad: Quaid-i-Azam University.
- Institute of Regional Studies (2004). *Irish Model and Kashmir Conflict: Search for a New Paradigm for Peace in South Asia*. Islamabad: Institute of Regional Studies.
- International Crisis Group (2007). *Discord in Pakistan's Northern Areas*. Report No. 131. ICG Asia. Available at: <http://www.crisisgroup.org/home/index.cfm?id=4748&l=1>.
- Ipsos MORI. 2002. *MORI 2002 Survey*. <http://www.mori.com/polls/2002/kashmir.shtml>.
- Kaldor, M. (1999). *New Wars and Old Wars: Organized Violence in a Global Era*. Cambridge: Polity Press.
- Kashmir Accord (1974). 13 November. Available at: <http://www.kashmir-information.com/LegalDocs/KashmirAccord.html>.
- Koithara, V. (2004). *Crafting Peace in Kashmir: Through a Realist Lens*. New Delhi: Sage Publications.
- Krasner, S.D. (2004a). 'The Hole in the Whole: Sovereignty, Shared Sovereignty and International Law', *Michigan Journal of International Law*, 25 (4): 1–27.
- Krasner, S.D. (2004b). 'Sharing Sovereignty: New Institutions for Collapsed and Failing States', *International Security*, 29 (2): 85–120.
- Lal, D. (2006). 'The Status Quo in Kashmir?', in R.N. Rosecrance and A.A. Stein (eds.), *No More States? Globalization, National Self-determination, and Terrorism*. Lanham, MD: Rowman and Littlefield, pp. 145–160.
- Landau, D. and Landau, S. (1997). 'Confidence-Building Measures in Mediation', *Mediation Quarterly*, 15 (2): 97–103.
- Lax, D. A. and Sebenius, J. K. (1986). *The Manager as Negotiator: Bargaining for Cooperation and Competitive Gain*. New York: Free Press.
- Lone, S. (2004). Interview by author in Srinagar, Kashmir, 3 December.
- Malik, Y. (2004) Interview by author in Srinagar, Kashmir, 3 December.
- Margolis, E. S. (2002). *War at the Top of the World: the Struggle for Afghanistan, Kashmir and Tibet*. New York: Routledge.
- McIness, C. (2003). 'A New Kind of War? September 11 and the Afghan War', *Review of International Studies*, 29 (2): 65–184.
- Nation (2005). 'Mirwaiz Demands OIC Membership', *The Nation*, 24 September. Available at: <http://jammu-kashmir.com/archives/archives2005/kashmir20050924d.html>.

- Nayar, B. R. and Paul, T. V. (2003). *India in the World Order: Searching for Major-Power Status*. Cambridge: Cambridge University Press.
- One India (2008), 'Kashmiri Separatists Agree to Consider Peace Talks', *One India*, 27 April. <http://in.trueveo.com/Kashmiri-separatists-agree-to-consider-peace-talks/id/3482912702>.
- Pant, H. V. (2008). *Contemporary Debates in Indian Foreign and Security Policy: India Negotiates its Rise in the International System*. Basingstoke: Palgrave Macmillan.
- Paul, T.V. (2005). *The India-Pakistan Conflict: An Enduring Rivalry*. Cambridge: Cambridge University Press.
- Pedahzur, A. (ed.) (2006). *Root Causes of Suicide Terrorism*. New York: Routledge.
- Pruitt, D. and Carnevale, P. (1993). *Negotiation in Social Conflict*. Pacific Grove, CA: Brooks/Cole.
- Puri, L. (2004) 'Hurriyat Leader Opposes Partition of Kashmir', *The Hindu*, 21 November. Available at: <http://www.hindu.com/2004/11/21/stories/2004112104611000.htm>.
- Rai, M. (2004). *Hindu Rulers, Muslim Subjects: Islam, Rights, and the History of Kashmir*. London: G. Hurst and Co.
- Rosecrance, R. N. and Stein, A. A. (2006). *No More States? Globalization, National Self-Determination, and Terrorism*. Lanham, MD: Rowman and Littlefield Publishers.
- Schaffer, T. (2005). *Kashmir: The Economics of Peace Building*. Washington: CSIS Report.
- Schofield, V. (2003). *Kashmir in Conflict: India, Pakistan and the Unfinished War*. New York: I.B. Tauris.
- Sharma, K. (2004). 'Come back, Yasin Malik tells Kashmiri Pandits', *The Hindu*, 21 January. Available at: <http://www.hinduonnet.com/2004/01/21/stories/2004012103871200.htm>.
- Shultz, R. H. and Dew, A. J. (2006). *Insurgents, Terrorists, and Militias: The Warriors of Contemporary Combat*. New York: Columbia University Press.
- Sidhu, W.P.S., Asif, B., and Samii, C. (eds.) (2006), *Kashmir: New Voices, New Approaches*. Boulder, CO: Lynne Rienner.
- Sood, P. (2006). "'Let us Build a New J&K": PM Says Need to Evolve Common Understanding on Autonomy', *The Tribune*, 26 February. Available at: <http://www.tribuneindia.com/2006/20060226/main1.htm>.
- Swanström, N. and Björnehed, E. (2004). 'Conflict Resolution of Terrorist Conflicts in Southeast Asia', *Terrorism and Political Violence*, 16 (2): 328–349.
- Times of India (2006). 'Srinagar Meet was India Talking to India', *The Times of India*, 7 June, p. 4.
- Thomas, R. G. C. (ed.) (1992). *Perspectives on Kashmir: The Roots of Conflict in South Asia*. Boulder: Westview Press.
- Tohid, O. (2003). 'We Will Continue Our Struggle to Liberate Kashmir', *Newsline*, June. Available at: <http://www.newsline.com.pk/newsJune2003/cover4june2003.htm>.
- Tremblay, R. (1996–1997). 'Nation, Identity and the Intervening Role of the State: A Study of the Secessionist Movement in Kashmir', *Pacific Affairs*, 69 (4): 471–497.
- Tribune (2004). 'Hizbul Not Against Peace Talks, Says Salahuddin', *The Tribune*, 2 March. Available at: <http://www.tribuneindia.com/2004/20040303/j&k.htm#1>.
- Uppsala Universitet (n.d.). *UCDP Database*. Available at: <http://www.pcr.uu.se/database/index.php>.
- Weinberg, L. and Pedahzur, A. (2003). *Political Parties and Terrorist Groups*. New York and London: Routledge.
- Wirsing, R. G. (1998). *India, Pakistan and the Kashmir Dispute: On Regional Conflict and Its Resolution*. New York: St. Martins Press.
- Wirsing, R. G. (2003). *Kashmir: In the Shadow of War*. New York: M.E. Sharpe.

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